

Senate File 399 - Introduced

SENATE FILE 399
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SF 329)

A BILL FOR

1 An Act regulating the advertising of veterans benefits appeal
2 services by requiring certain disclosures and including a
3 civil penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 546B.1 Veterans benefits appeal
2 services — regulation of advertising practices.

3 As used in this chapter:

4 1. a. "Advertising" or "advertisement" means any of the
5 following:

6 (1) Any written or printed communication made for the
7 purpose of soliciting, describing, or promoting veterans
8 benefits appeal services, including but not limited to a
9 brochure, letter, pamphlet, newspaper, telephone listing,
10 periodical, or other writing.

11 (2) Any directory listing caused or permitted by a person to
12 be made available which indicates that veterans benefits appeal
13 services are being offered.

14 (3) Any radio, television, computer network, or similar
15 airwave or electronic transmission which solicits or promotes a
16 person offering veterans benefits appeal services.

17 b. "Advertising" or "advertisement" does not include any of
18 the following:

19 (1) Any printing or writing used on buildings, uniforms, or
20 badges, where the purpose of the writing is for identification.

21 (2) Any printing or writing in a memorandum or other
22 communication used in the ordinary course of business where the
23 sole purpose of the writing is other than the solicitation or
24 promotion of veterans benefits appeal services.

25 2. "Veteran" means as defined in section 35.1.

26 3. "Veterans benefits appeal services" means services which
27 a veteran might reasonably require in order to appeal a denial
28 of federal or state veterans benefits, including but not
29 limited to denials of disability, limited-income, home loan,
30 insurance, education and training, burial and memorial, and
31 dependent and survivor benefits.

32 Sec. 2. NEW SECTION. 546B.2 Advertising disclosure
33 requirements.

34 1. A person advertising services to represent or assist
35 veterans in appealing a denial of veterans benefits shall

1 conspicuously disclose in the advertisement, in similar type
2 size or voice-over, that appeal services are also offered at
3 no cost by county commission of veteran affairs offices as
4 maintained pursuant to section 35B.6.

5 2. A person who fails to comply with the provisions of
6 this section is subject to a civil penalty not to exceed one
7 thousand dollars for each violation. Civil penalties shall
8 be assessed by the district court in an action initiated
9 by the attorney general. For the purposes of computing
10 the amount of each civil penalty, each day of a continuing
11 violation constitutes a separate violation. Additionally,
12 the attorney general may accept a civil penalty as determined
13 by the attorney general in settlement of an investigation of
14 a violation of this section regardless of whether an action
15 has been filed pursuant to this section. Any civil penalty
16 recovered shall be deposited in the veterans trust fund created
17 in section 35A.13.

18 EXPLANATION

19 This bill requires that a person advertising veterans
20 benefits appeal services disclose in the advertisement that the
21 same services are also available through county commission of
22 veteran affairs offices free of charge. The bill provides or
23 incorporates definitions for advertising, veteran, and veterans
24 benefits appeal services.

25 The bill provides a civil penalty of up to \$1,000 for each
26 violation. The bill states that the civil penalty will be
27 assessed by the district court in an action initiated by the
28 attorney general and that each day of a continuing violation
29 shall be counted as a separate violation. The attorney
30 general's office is given the discretion to accept a civil
31 penalty in settlement of an investigation. The bill also
32 requires that any civil penalty recovered must be deposited in
33 the veterans trust fund.